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Attorneys for Respondents

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

MUSTAFA SAYED SADAT

Petitioner,

v.

MICHAEL CHERTOFF, Department of
 Homeland Security; ALBERTO
 GONZALES, US Attorney General;
 ROBERT DIVINE, US Citizenship and
 Immigration Services; DAVID STILL, US
 Citizenship and Immigration Services,
 Does 1-5,

Respondents.

No. C-05-5309-CW

**STIPULATION TO DISMISS; AND
~~[PROPOSED]~~ ORDER**

The petitioner, by and through his attorneys of record, and the respondents, by and through their attorneys of record, hereby stipulate to dismissal of the above-captioned case because the Federal Bureau of Investigation (FBI) completed its required name check investigation of the petitioner on April 7, 2006, and the respondents have agreed to issue a decision on the petitioner's application for naturalization within 30 days of the filing of this stipulation.

1. The petitioner filed an application for naturalization with the Immigration and Naturalization Service (now, the USCIS) on October 5, 1998.

2. The petitioner withdrew his naturalization application on July 11, 2000.

1 3. The petitioner filed a second application for naturalization with the INS on July 28, 2002.

2 4. The USCIS submitted a request for a name check of the applicant from the FBI on December
3 14, 2002.

4 5. The petitioner was interviewed on his second naturalization application pursuant to 8 U.S.C. §
5 1446(b) on March 13, 2003.

6 6. The petitioner's second naturalization application was denied on September 17, 2003, on the
7 grounds that the petitioner had not demonstrated an understanding of English and/or United States
8 history and government, and had not submitted sufficient evidence that he was unable to demonstrate
9 such an understanding because of a physical or developmental disability or mental impairment.

10 7. The petitioner filed a request for a hearing on the denial of his second naturalization application
11 (an N-336 Request For A Hearing On A Hearing On A Decision In Naturalization Proceedings)
12 pursuant to 8 U.S.C. § 1447(a), on October 3, 2003.

13 8. On or after the filing of his request for a hearing, the USCIS granted the petitioner's N-648
14 Medical Certification for Disability Exception, which exempted the petitioner from the requirement of
15 demonstrating an understanding of English and/or United States history and government due to the
16 petitioner's severe mental impairments.

17 9. The USCIS was prepared to issue a decision on the petitioner's second naturalization
18 application on January 6, 2004, but was unable to do so due to the fact that the FBI had not completed
19 its required name check.

20 11. On March 15, 2006, the USCIS asked the FBI to expedite the processing of the petitioner's
21 name check.

22 12. On April 7, 2006, the FBI completed its name check and has forwarded the result to the
23 USCIS.

24 13. The respondents agree to issue a decision on the petitioner's second naturalization application
25 within 30 days and, if favorable, to promptly schedule the petitioner for an oath ceremony.

26 14. Each party shall bear its own costs and fees.
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3 Date: April 21, 2006

Respectfully submitted,

4 KEVIN V. RYAN
5 United States Attorney
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8 EDWARD A. OLSEN
9 Assistant United States Attorney
10 Attorneys for Respondents
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12 Date: April 21, 2006

13 DIANE LUONG
14 LEGAL ASSISTANCE FOR SENIORS
15 Attorneys for Petitioner
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17 **ORDER**

18 Pursuant to stipulation, IT IS SO ORDERED.

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20 Date: 4/25/06

21 
22 CLAUDIA WILKEN
23 United States District Judge
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